IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 20045 of 1994

Between:

1 P.Prabhudas, S/o. B.Thimme Goud.
R/o. Agali.
2 A.Kempanna, S/o. Thimmappa.
R/o. Agali.
3 K.Rajanna, S/o. Diddegoud,
R/o. Agali.

..... PETITIONERS

AND

1 Mandal Revenue Officer, Agali Mandal,
Anantapur.
2 Sarpanch Cum Executive Authority, Gram Panchayat Agali, Agali Mandal,
Anantapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction or order particularly one in the nature of Mandamus directing the 1st respondent herein not to plot the land in Sy.No.2071/1 of Agali Village and distribute the same as house sites by giving pattas on the recommendations of the local MLA and also direct the 2nd respondents to ensure that the land is preserved for the purpose of construction of the school building in the village and pass further orders.

Counsel for the Petitioner:MR.R.V.SUBBA RAO

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION NO.20045 OF 1994

O R D E R:

The petitioners who are residents of Agali Mandal, Anantapur District filed this writ petition in the nature of writ of Mandamus directing the 1st respondent herein not to allot the land measuring Ac 2.89 cents in S.No.267-1 of Agali Village as house sites at the instance of the local M.L.A.

The case of the petitioners is that the above said land is a poramboke land, wherein the 2nd respondent-Gram Panchayat decided to construct a school building, however, in order to get favour from the people during elections, the 1st respondent is trying to assign the same for the purpose of house sites. If the lands of the petitioners are acquired, they will be put to irreparable loss.

On behalf of the respondents, the learned Government Pleader for Revenue submits that as per the instructions, no decision was taken by the respondents till now either to construct a school or allot the land as house sites to the weaker sections.

It is seen from the record that the petitioner filed this writ petition on a mere apprehension that R1 is trying to allot the land as house sites to other persons and

having regard to the statement that no such attempt is being made by the respondents, it would suffice in the interest of justice to direct the respondents to take an appropriate decision in accordance with law after giving an opportunity of hearing to the petitioners.

The writ petition is accordingly allowed. No costs.

12.08.2004

tjs

..... REGISTRAR

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SECTION OFFICER

To

1.2CCs to

2.2CD copies

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